DECREES

THE QUEEN OF SPAIN,

ON THE 22D OF MARCH, 1854.

RESPECTING

SLAVERY IN THE ISLAND OF CUBA. DESPATCH FROM LORD HOWDEN, HER MAJESTY'S MINISTER AT MADRID, TRANSMITTING COPIES OF THE DECREES SIGNED BY THE QUEEN OF SPAIN ON THE 22D MARCH, 1854, PROVIDING FOR THE RESTRICTION OF SLAVE LABOR TO AGRICULTURAL PURPOSES, THE PROTECTION OF PREE LABORERS, AND THE REGISTRATION OF SLAVES, IN THE

Lord Howden to the Earl of Clarendon.

(Extract.) Madrid, April 13, 1854.

I have the honor to transmit to your lordship by this messenger a copy and translation of a most important document relating to slavery in the Island of Cuba, which was published in the Gazette of this morning. ISLAND OF CUBA.

morning.

The chief points are the following:—
A determination, publicly expressed, to put down the slave trade, and to keep faith with Great

Britain.

An endeavor to force the whole slave population of the island into works of agriculture, establishing high taxes on those retained for household pur-

high taxes on those retained for household purposes.

The organization of a system of colonization for Spaniards, Yucatenese, and Chine e, defining their obligations and rights.

And finally, the compulsory registering of all the slaves in the island at this moment, so that any negro (excepting those subsequently born) who is hereafter unregistered, and who does not carry on him a copy of the register, will be considered as unduly introduced, and declared ipso facto free.

Your lordship will see at once two things—the great advantage of such a measure, if properly carried out, and the great difficulty to which it will give rise at the moment of registering, with regard to negroes who will be claimed as legal property, and who yet have been transluently introduced since the conclusion of treaties with Spain.

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Exposition to Her Majesty.

Senora—One of the most urgent necessities which at present presses upon the Island of Cuba is the scarcity of laborers; agriculture is already affected by it; its effects begin to be noticed in commercial transactions, and, if it be not opportunely remedied, the rich treasures which that fertile island contains will soon be diminished, if not exhausted. The government have carefully studied the causes of the evil, and, in order to remove them, they offer to your Majesty a system of measures which they consider efficacious, if, as is to be expected, there be, on the part of the local authorities, zeal and perseverance in carrying them into execution.

It is not hidden from the high genetration of your Majesty, that the origin of the scarcity which is deplored lies partly in the existence and necessity of slavery, and partly in the treaties in force for the suppression of the slave trade. The Antilles seem condemned by Providence not to give proofs of their fertility unless with the aid of that institution, and at the cost of the race upon whom it weighs. There results hence for the Island of Cuba a social and economical situation, which, although exceptional and anomalous it is necessary to maintain, with all its inconveniences, because there would arise from the design of regulating it by the type of European nations greater detriments for the State, and even for the very race disinhented of civil liberty.

From the necessity of maintaining slavery in those regions was naturally inferred the advantage of permitting, in certain cases, the introduction of new slaver, but as the international treaties and the Spanish laws prohibit and punish it with rigor, this efficient means of preservation has been wanting to slavery, while the development and encouragement of agriculture have rendered it every day more necessary. Whatever may be, nevertheless, the qualification which these tre

1. In the practice of dedicating to domestic ser-1. In the practice of dedicating to domestic service and other occupations, in which the labor of whites and free men might be employed, the slaves which are wanting to agriculture and the employments in which the labor of natives and Europeans cannot compete with that of the Africans.

2. In the proprietors not having taken care, so much as they ought to have done, of the reproduction of the slave race, with the hope that the clandestine production of Bozal negroes would supply their neglect.

3. In the scarcity of white laborers and artizans

destine production of their neglect.

3. In the scarcity of white laborers and artizans capable of dedicating themselves to a multitude of mechanical offices, for which the negroes are unne-

4. In the right of property over the legitimate

4. In the right of property over the legitimate slaves not possessing the indispensable guarantees and securities, in consequence of the questions which the understanding and application of the treaties in force for the suppression of the slave trade are daily raising with a powerful nation.

The slaves who now exist in the Island of Cuba would suffice for all the wants of agriculture, not withstanding the losses which they have experienced by recent diseases, if a considerable number of them had not been destined in towns to services which free laborers could perform as well or better. This circumstance makes evident the advantage of removing the slave population from the cities and towns, and dedicating it in the country to the occupations of agriculture. In order to effect this your Majesty decreed, in 1844, the imposition of a capitation tax upon the slaves destined for domestic service; but this measure has not produced the desired effect, first, because all the slaves who dedicate themselves to occupations in which free men might be employed, being excluded from the nature of their occupations, it must be most difficult to attract towards agriculture; and, secondly, be ber of persons, and precisely to those who, from the nature of their occupations, it must be most difficult to attract towards agriculture; and, secondly, be-cause the capitation not exceeding a dollar, or a little more, for each person, it has not been a suffi-cient stimulus for the Cubins to abandon the inveterate custom of having themselves served by slaves.

In order to attain the desired end, therefore, it will be necessary to extend the an to all the slaves who are not habitually employed in agriculture; that is, to those who have not their permanent resi-dence in the estates or rural establishments, and to increase the said tax gradually, in proportion to the wealth of each proprietor, adopting, as the measure thereof, the number of playes whom he has in his service, and fixing, nevertheless, a prudent limit to the proportional increase, in order not to confound the caprices of luxury with the true wants of in-

the caprices of luxury with the true wants of industry.

Your Majesty may still offer another more efficaoious stimulant to the proprietors of slaves. There
is now paid on the sale of them a duty of alcabala,
which consists of six per cent of the stipulated
price. Exempt from this duty the slaves who are
sold or transferred for service in the agricultural
bataes or establishments, and exact double from
those who, having their residences in the said establishments, may be transferred for service in the
towns, and no industry will obtain with more abundance and advantage then agriculture the labor
necessary for its preservation and encouragement.
If these measures shall not suffice to attract the
slave population towards the fields, it would be
difficult to adopt other indirect means which
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If these measures shall not suffice to attract the slave population towards the fields, it would be difficult to adopt other indirect means which should promise better results. But even though agriculture and industry should go on increasing and developing themselves in the Island of Cuba in the same proportion as hitherto, the government believe, nevertheless, that the slaves now existing would suffice for all the services in which they cannot be readily replaced by free laborers, if their reproduction shall be cared for and favored.

The measures which your Majesty may adopt with such an object are also indirect, and of no immediate result, but will doubtless succeed. They consist in encouraging the proprietors to promote marriages among their slaves, and so to benefit themselves by the reproduction of this indispensable race. In order to effect this, the entire produce of the capitation tax before mentioned, ought to be destined to the adjudication of three annual premiums: one in favor of the proprietor whose slaves may have had the greatest number of legitimate or legitimised children; another in favor of him who possesses the greatest number of lemale slaves in preportion to the men; and another for him who may take most care, and with the best result, of the health and preservation of his slaves. Female slaves should also be exempted from the capitation tax, as well as their children under twelve years of ago, and married slaves who have a certain number of children.

It would also be proper to exempt from all alcabala the compulsory sales of slaves which take place on account of marriages, and also the sales of the sons of slaves, when they are removed for the first time from the control of the owner in whose possession they were born.

With such encouragements, and the conviction that in future there will be no more claudestine introductions of Bozal negroes, since the fabulous interest which maintains them will at least be diminished, not only will the farmers and manufacturers take greater care of th

slave population increases daily without the aliment of the fraudulent importation of Africans.

But, in spite of what has been previously said, the government are not ignorant that the scarcity of free laborers and artisans, or rather the want of a numerous class from whence they may be drawn, must have contributed in a great measure to all mechanic services being performed by alaves. Thus it is that, in order to facilitate the effect of the measures which have for their object to promote within the towns the replacement of slave laborers by free ones, and in order to remedy immediately, as far as possible, the actual scarcity of labor, it is indispensable to authorize the immigration of white colonists, Spanish or foreign, with whose assistance the free and laboring class which is wanting may be formed in Cuba.

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The experiments made up to this time show that this remedy will be efficacious; but in order to provide for its due developement, it is indispensable to determine the conditions on which the introduction of colonists is to be permitted, and to fix the relations between them and their masters with regard to the public interest and the powers of the government.

The Governor Captain-General of Cubs, zealous for your Majesty's service, and believing the want of labor to be most urgent, published an ordinance authorizing for two years the free importation of colonists from Spain, China, or Yucatan, and making regulations for that purpose, as also for determining the reciprocal rights of the colonists and of their masters. But the government, considering the importance and gravity of the subject, have judged it indispensable, in revising those dispositions, to submit them in the form of a decree to your Majesty's sanction. Its principal objects are—to facilitate the introduction of colonists, in or ler that competition may increase the supply, and thus lower the price of labor; to prevent the colonists from being imposed upon by avaricious speculators; to empower the government to impose special conditions with the same object on the importers, according to the nationality, number, and circumstances of the colonists to be introduced in each expedition; to give facilities within the limits of the law for fixing the particular conditions of the contracts with the colonists, in order that these contracts may be so drawn up as not to give rise, by ambiguity or obscurity, to questions of difficult solution; to establish a protectorate confided to the political authority, which may decide, ex ague to brow, all the questions that may be raised between the colonists and the masters, and may be susceptible of this proceeding; to determine the most essential civil rights of the colonists and of their families, so that those rights may be respected in the contracts; to empower the colonists, in order to prevent the avarice of any master from putting the one or the other in danger; to grant a disciplinary jurisdiction to the same masters for the correction of such alight offence as may not degenerate for prevent the avarice of any master from putting the one or the other in danger; to grant a disciplinary jurisdiction to the same masters for the correction of the plant of the colonis

time for the inscription, and of those whose conduct is disputed before the tribunals, there will not be in future more slaves than those now in the island and their desocndants; there will be an exterior, visible, and unquestionable mark to distinguish them from the free men; and if some Bozal negroes should be clandestinely introduced, it would be impossible to make use of them as slaves without exposure to the serious risk of losing them the first time they might be met with without having the proof of their inscription in the civil register. This danger will necessarily remove the temptation of profit, which has hitherto maintained that illicit traffic in spite of prosecution.

The negroes fraudulently introduced are worth now as much as legitimate slaves, for as soon as they are disembarked and divided amongst the estates, neither the one nor the other can be the object of legal search, because it is always easy to frustrate any investigation respecting them. But when the register is once established and closed, the tenure of the real slaves will be as secure, as will be ephemeral and uncertain that which it is sought to exercise over those which are not so. This will at least produce a very considerable difference between the value of the respective classes; and the consequence of all this will be, that the slave traders, not finding the risk they run sufficiently compensated by the profit they obtain, will abandon forever so unworthy a traffic.

The obligation which is imposed on the owners, of causing to be noted in the register all the acts and contracts which affect the condition of the slaves, or the rights which are exercised over them, will also contribute, in a great degree, to secure the property over them, and to prevent the frauds which are committed in the transactions concerning them. When the fulfilment of this obligation shall be secured by a declaration that the acts and contracts which affect the condition of the slaves (or hand) and the registers being of such consequence, it is indispen

Having considered the report of my President of the Council of Ministers, and in accordance with the opinion of the same Council, I hereby decree the following:—

Article I. All the slaves resident in the island of Cuba who have not their permanent domicile in the agricultural estates or establishments, shall, with cerlain exceptions, pay a capitation tax.

ceriain exceptions, pay a capitation tax.

II. The owners of slaves subject to capitation shall pay annually, instead of the tax established by the royal order of July 29, 1844, the following:—For the first slave, \$2; for the second, \$3; for the third, \$4; and so on for each additional slave, \$1 more. The holder of fifteen slaves, after paying the amount corresponding to that number, according to the preceding paragraph, shall pay \$8 only for each slave that he may have beyond fifteen.

III. No capitation tay shall be exacted for female.

III. No capitation tax shall be exacted for female slaves, nor for their children under twelve years of

age.

IV. Married slaves, while they live with their wives, and have living children by them, shall only pay \$2 annually, whatever be the number of slaves that the owner may have, and shall not be included in the assessment for the other slaves belonging to the same owner. If the number of the children amounts to four above twelve years of age, the slave their rather shall be exempt from all capitation, even though he may be a widower.

V. The capitation tax shall be exacted from the proprietors in quarterly payments, and a quarter of

proprietors in quarterly payments, and a quarter of a year in advance, the first quarter to be payable at the expiration of the first term when the similar tax supported by the precent decree we sto become dif-

VI. The produce of this tax shall be paid at once into my royal treasury, and shall be invested in three equal premiums, which shall be abjudicated annually: one to the proprietor of more than fifty shaves who may have had proportionally during the year the greatest number of legitimate or legitimized children; a second to the proprietor who, possessing a greater number of slaves than the other competitors, may have had proportionally fewer losses by death during the same period; and a third to the proprietor who, possessing also a greater number of male slaves than the other competitors, may present in equal proportion a greater number

losses by death during the same period; and a third to the proprietor who, possessing also a greater number of male slaves than the other competitors, may present in equal proportion a greater number of femals slaves belonging to him.

VII. These premiums shall be adjudicated on the 19th November of each year, by a Junta presided over by the Governor Captain-General, and which shall be composed of the Regent of the Audiencia, of the President of the Tribunal of Commerce of Havana, of two proprietors elected by the corporation of the same capital, and of two merchants selected by the said Tribunal of Commerce from persons not belonging thereto.

VIII. The Captain-General of the island, making use of the powers which belong to him as civil governor and superintendent of finance in commission, shall make, subject to my royal approbation, the proper arrangements for the collection, assessment, and punctual levying of this tax.

IX. The Junta de Fomento shall transmit to the political secretary all the informatia and documents which it may have relating to the suppressed capitation, and shall deliver over tomy royal treasury the produce of the same, which may not have been paid over on the publication of the present decree in the Island of Cubs.

X. No alcabala shall be paid for the slaves who, after the said publication, may be sold or transferred, in order to serve or reside in agricultural estates or establishments, the proprietor who may acquire them with that object always making it known at the office charged with the collection of that tax.

XI. The Captsin-General of the island shall make the proper arrangements for recording the permanent residence of the slaves transferred under the exemption from alcabala to agricultural estates and establishments, in order that the said slaves may never change their domicile to towns without the owners first paying the said duty.

XII. Double alcabala shall be paid for slaves who, having their residence in agricultural estates or establishments, in order that the said sl

the same act.

XIV. Only half the alcabala shall be exacted for the transfer of slaves under fourteen years of age.

XV. No alcabala shall be exacted:—

For sales of slaves which may take place on ac-count of marriages under article XXX. of the regu-lations of the year 1842, provided the marriage shall

lations of the year 1842, provided the marriage small be proved.

2. For the legitimate and legitimised children of slaves who may be born after the publication of this decree in the island, when they leave for the first time the ownership under which they were born.

Given at the Palace, March 22, 1854.

Signed by the royal hand.

The President of the Council of Ministers.

Luns Jose Startonius.

Having considered the report of the President of my Council of Ministers, and in accordence with the opinion of the same Council, I hereby approve the following regulations for the importation and management of colonists in the island of Cuba:—

the following regulations for the importation and management of colonists in the island of Cuba:—

Chatter I.

Of the Importation of Colonists.

Art. I. Private persons who wish to introduce on their account into the island of Cuba, Spanish, Chinese, or Yucatan colonists, shall be able to do so from this day, and for the space of two years, subjecting themselves to the conditions established in these, regulations.

II. The importer of the said colonists must previously obtain permission from the government, and must, for that purpose, present a certificate or document showing that the vessel in which they are to be conveyed is fit for the voyage. If the vessel should be in a foreign port, this certificate or document shall be issued by the Spanish Consul there, and if in a Spanish port by the proper naval authority.

III. Neither of the said permissions shall be conceded unless the person in whose favor it is issued obliges himself to import the number of women which the government may determine, on taking into consideration the number of the men who are to be imported in each expedition, their nationality, and other circumstances. No tonnage duties shall be paid by the importers for women.

IV. The government, on conceding the permission of which the previous articles treat, may exact from the importers any other conditions which it may think fit with regard to the number, nationality and other circumstances of the colonists who are to be imported.

V. The contracts between the importers and the colonists shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter, and shall be written in the language of the latter

2. The time for which his contract is to be inforce.

3. The wages, and the kind, quantity and quality of the food and clothing which he is to receive.

4. The obligation to afford him medical assistance during illness.

5. Whether the wages are to be stopped when the colonist falls ill from any cause not connected with his work, or independent of the will of the master.

6. The number of hours during which the colonist obliges himself to work each day, it being declared whether the master is to have the power of increasing that number on some days, provided this increase shall be compensated by a proportionate diminution on other days.

7. The obligation of the colonist to indemnify the master for the hours of labor lost to him by the colonist's fault.

master for the hours of labor lost to him by the colonict's fault.

8. The obligation of the same colonist to subject himself to the discipline of the estate, workshop, or establishment in which he may have to labor.

9. A clause drawn up in these terms: "I, N. N., assent to the rate of wages above stipulated, although I know that what the free laborers and slaves of the Island of Cuba get is much greater, because I consider this difference to be compensated by the other advantages which my master has to afford to me, as stated in this contract."

10. The signature of the colonist, if he can write, and that of the contractor.

VII. The colonist shall receive, and keep in his possession, a copy of the contract signed by the contractor.

possession, a copy of the contract signed by the contractor.

VIII. If the colonists should be Spaniards and under age, they shall not be permitted to contract with the importers without the consent of their parents or guardians. If they should be fereigners and under fourteen years of age, the person on whom they depend must be a party to the contract.

IX. The importers of colonists shall not embark in any vessel more than one person for each ton of measurement on a voyage from the ports of the peninsule; one person for each ton and a half on voyages made from the ports of China, and in the like proportion for the shorter voyage from Yucatan.

X. The importers shall also be bound:—

1. To provide the vessels with water and whole-

A. The importers shall also be bound:—

1. To provide the vessels with water and wholesome food fully sufficient for the number of persons
conveyed, and for the length of the voyage.

2. To adopt the necessary precautions in order to
maintain in the said vessels the cleanliness and ventilation indispensable for the health of the passengers.

eengers.

2. To carry a physician and medicine chest on board when the number of persons embarked is above a hundred.

4. To subject themselves, on their arrival at any port of Cuba, to the sanatory and police regulations in force there.

XI. In order to ensure the observance of these regulations the colonists must only be imported at the port of Havana, except in case of shipwreck or other in vitable accident, which may render the arrival and landing at some other port a matter of necessity.

other in vitable accident, which may render the arrival and landing at some other port a matter of accessity.

XII. Within twenty-four hours after the arrival of the vessel, or after its admission to free pratique, the importer shall present a list of the colonists embarked by him, accompanied by their contracts, and by a return showing the number of those who may have died during the passage, and the causes of their deaths. The Governor Captain-General, after seeing these documents, and after taking all the steps which he may deem necessary to prevent fraud, will permit the disembarkation.

XIII. The importers of colonists may transfer them to other employers, or to planters or individuals, on such terms as they may think fit, the latter always obliging themselves to fulfil the contracts entered into with the said colonists and to conform to these regulations. The persons receiving such transfers of colonists may reassign them to other parties on the same conditions, and if on a transfer of colonists the terms of the original contract should be altered without the consent of the colonists, such transfer shall be null and void.

XIV. Both the importers and receivers of colonists shall give an account to the government of the number of the latter transferred or received within twenty-four hours after the conclusion of the contract, stating the number; sex, and age of said colonists, the vessel in which they arrived, the conditions of the contract made with them, the nature of the labor in which they are to be employed, and the place where they are going to reside.

The government will then deliver to the receiver the contracts received from the importer relative to the edde colonists, after entering their contents in the becks which shall be kept for that purpose in the cities of the Political Secretars.

XV. The residence of the colonists may not be

transferred from one part of the island to anothe without a previous intimation to the government.

without a previous intimation to the government.

CHAPTER II.

Of the Recipr ocal Obligations and Rights of the Colonists and their Masters.

XVI. The Governor Captain-General of the Island of Cuba shall be the official protector of the solonists, and shall execute this trust in the districts through his delegates, the respective Governors or Lieutenant-Governors, who in their turn shall be assisted therein, and without necessity of previous delegation, by the district captains. These functionaries shall proceed in every case, under the direction and orders of the Governors and Lieutenant-Governors.

rection and orders of the Governors and Lieutenant-Governors.

XVII. In legal matters, and when the masters of the colonists do not appear for them, the syndics of the corporations, or their substitutes in the municipal juntas, shall be the defenders of the colonists in the inferior courts, and in the superior courts her Majesty's fiscal officers.

XVIII. The delegated protectors shall attend to the proper treatment of the colonists and the fulfilment of their contracts; they shall propose to the official protector the measures which they consider requisite for their welfare and encouragement, and shall settle equitably and without form of law the questions which may arise between the colonists and their masters.

If these questions should involve any point of law, the protector shall decide them summarily, taking viva voce evidence, and hearing the opinion of an assessor.

law, the protector shall decide them summarily, taking viva voce evidence, and hearing the opinion of an assessor.

If the subject should be of greater legal importance, it shall be decided by the proper authority and according to the established forms of law.

XIX. It is understood that the colonists in signing or accepting their contracts with the importers, renounce the exercise of all civil rights which may be incompatible with the fulfilment of the obligations which they incur, unless some right is treated of which is expressly declared by these regulations.

XX. The colonists may contract marriage with the conset of their masters.

If a colenist who is of age should wish to marry, and his master should oppose it, he may redeem himself from his master under the conditions prescribed in Article XVIII, or he may seek another master, who may receive him with the same conditions.

XXI. The colonists shall exercise over their children all the rights of paternal power, and over their wives all the rights of paternal power, in as far as those rights are compatible with the legal condition of the said children and wives.

XXII. The children of the colonists shall follow the condition of their mothers all the time that the contract of the latter lasts, if born during the same; but on completing eighteen years of age they shall be entirely free, although their mothers should continue under contract.

The children under age whom the women have at the time of hiring shall follow the condition which the women may stipulate with the contractors. If nothing should be stipulated they shall be entirely free, but they shall have a right to be fed, lodged and clothed by the masters of their mothers, under the conditions established for those under tweive years old.

XXIII. The children of the colonists born under the conditions established for those under tweive years old.

XXIII. The children of the colonists born under the power of the masters of their mothers shall have the same right while they follow the condition of the latter, but with the obligation to render in the meantime to the said masters the services of which they are capable according to their age.

XXIV. The married colonists may not be transferred to any person who does not at the same time take both husband and wife and their children under twelve years of age. The masters may not oblige the husbands to live habitually separated from their wives, nor the latter from their children under twelve years of age.

from their wives, nor the latter from their contracts under twelve years of age.

XXV. The colonists may acquire property, and dispose of what may belong to them by valid title, provided the contracts which they may make do not involve any express or tacit condition, the fulfilment of which may be incompatible with their contracts with the masters.

of which may be incompatible with their contracts with the masters.

XXVI. The colonists may also take legal proceedings against their masters, being represented in the manner prescribed in Article XVII, and against other persons being represented by their own masters, if the latter should be willing to undertake their defence.

If the masters should decline to do so, or if in a suit between him and a third resty the master's in-

If the masters should decline to do so, or if in a suit between him and a third party the master's interest should be opposed to that of his colonists, the latter must be represented by the Syndic in the inferior courts, and by her Majesty's Fiscal in the superior.

XXVII. The colonists who may have made contracts when under twenty years of age, shall have the right of rescinding them when they are twenty five years of age. Those who may have made contracts when above twenty years old, shall have the same right after six years' contract. The masters shall likewise have the power to rescind them at the same periods at which the colonists have this right. The colonist shall in no case be able to make use of the right recognized in this article unless he indemnifies his master, either by labor or in some other mode, for what he may owe him.

XXVIII. Every colonist shall be able to redeem himself at any time from the power of his master, provided he pays him in cash:

1. The amount which he may have paid for his acquisition.

2. That which the same colonist may owe him as

equisition.

2. That which the same colonist may owe him as compensation for labor or on any other account.

3. The increased value which, in the judgment of men of skill, the services of the colonist may have acquired since he entered the master's employ-

4. The amount of the loss which the master may or from the difficulty of replacing the colonist by

The colonist shall not be able to make use of this right in time of "zafra," or during any other of the pressing employments permitted on holidays.

XXIX. If any master shall treat a colonist harshly, or shall fail to fulfil his engagements towards him, the colonist may apply to the delegated protector, and if the latter, on hearing both parties, should be convinced of the justice of the complaint, he will allow the contract to be annulled.

This anulment may be granted without compensation to the master for what he may have given for the acquisition of the colonist, and without barring any civil or criminal action on the part of either party.

XXX. In the days and hours of rest the colonists may work on their own account within the estab-

XXX. In the days and hours of rest the colonists may work on their own account within the establishment or estate where they reside; and if they should wish to work out of it, they must previously obtain the permission of the master.

In the same days and hours they may also indulge in such harmless amusements as may not disturb the discipline of the establishment or estate.

XXXI. The colonists shall freely dispose of the produce of their property and of their work done in the days and hours of rest, but they shall not be allowed to establish any retail trade against the will of their master.

of their master.

XXXII. Whenever the colonist wishes to sell his furniture or moveables, he shall inform his master, who shall be preferred pro tanto to any other purchaser.

XXXIII. When the master concedes to his colo-

XXXIII. When the master concedes to his colonist any lot of land for cultivation during the days and hours of rest, the colonist shall acquire the entire produce unless his master may have stipulated otherwise with him.

XXXIV. The colonists shall not be able to leave the estate or establishment in which they serve without the written permission of their master or his delegate, and any colonists found unprovided with such a permit shall be apprehended by the authorities, and taken home at the master's expense.

XXXV. When it may have been stipulated in the contracts that the colonists shall have any particular kind of food, or clothes of a particular make or sort, and if circumstances should prevent the master from providing the same, the kind, quality, or make of either may be altered, but not the quantity.

If the colonists should not be content with this

make of either may be altered, but not the quantity.

If the colonists should not be content with this charge they shall apply to their protector, who will settle the matter fairly between the parties, with due regard to the essential right of the colonist.

XXXVI. Whatever stipulations may have been made in the contracts as to medical assistance for the colonists, it shall comprise, not only the attendance of the practitioner, but also such medicines and food as the physicians may prescribe during illness and convalescence.

XXXVII. The colonists shall work for their masters, on every day that is not a boliday, during the number of hours agreed upon in the contract.

It is understood that days which are not holidays, for the purposes of this article, are all those on which the precept of the church does not prohibit labor, and those which, notwithstanding the festival celebrated thereon, shall be authorized by the ecclesiastical authorities as working days.

XXXVIII. Notwithstanding any stipulation to the contrary, the masters shall have no right to exact from their colonists more than twelve hours' daily labor on an average.

XXXIX. If a contract shall contain a stipulation as to the right of the master to arrange in the manner most advantageous for his interests the hours of labor agreed upon with the colonist, as prescribed in No. 6 of article VI., that right shall be understood as limited, so that the colonist can never be obliged to work more than fifteen hours in one day, and so that he shall always have at least six consecutive hours of rest by night or by day.

If the said right should not have been stipulated in the contract, the master shall not have power to exact from the colonist more hours of work in each day than those agreed upon.

XL. The colonist more hours of work in each day than those agreed upon.

Lin such case the colonist may resist being employed in labors different from toose stipulated.

The master may let out to a third person the services of his colonist, for employment in such wor

XLI. When the colonist is ill or convalescent, he shall not be obliged to work until the medical man declares that he may do so without danger to his health.

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XLIII. The masters shall pay their colonists the stipulated wages in the form and manner agreed upon in the contract.

XLIII. The colonists shall receive the whole of their wages while they are ill or convalescent, from illness contracted in consequence of labor, or from any cause dependent on the will of the master. If the illness should proceed from other causes, the colonist will not have the same right, unless it may have been stipulated in the contract.

XLIV. The colonist who, according to his contract is entitled to receive his wages during illness arising from whatever cause, shall have no right to demand his wages if his illness arises from any wilful act of his own.

XLIV. For all the purposes of the two previous articles and of Article XXXVI, the diseases of the colonists shall be reported upon by the medical men of the estate or establishment in which the colonists are employed, and in default of them, by two physicians named by the masger.

If the colonist should demur to their opinion, he may apply to the delegated protector, in order that by his direction the colonist may be re-examined by two practitioners: one to be named by him, and another by the master, by whose decision both parties shall shide without further appeal. If the physicians named by the master and the colonist disagree, the delegated protector shall name a third, whose decision shall be final.

XLVI. The colonists ashall compensate their masters for the days and hours during which they may have neglected to work through their own fault, and for that purpose their engagement shall be extended for the necessary time. The colonist shall not receiv unless the other pennalties which the colonist may incur by the offence in question.

XLVII. In fulliment of the regulations contained in the first paragraph of the provious Article, the owners or superintendents of the estate or es

a right to indemnify himself for them by deducting from the fugitive colonist half the wages due to him.

Li. If a master should have in his service non-Catholic colonists, he shall provide for their instruction in the doctrines and morality of the true religion, but without employing other means for this purpose than persuasion and conviction; and if any one shall express a wish to conform to the Catholic faith, the master shall inform the parish priest.

LII. When a colonist shall suffer in his person or interests a wrong or injury, not amounting to a crime, from a free man, or from a colonist of another ownership, the master shall take cognizance of the fact, and if he think the complaint just, shall demand from the offender or his master, by friendly or extra-judicial means, the reparation due; and if these means be not sufficient, he shall seek redress before the competent authority, or state the fact to the Syndic, in order that he may do so. If the complaint of the colonist should be thought unfounded, he shall be informed accordingly, and advised to abandon his complaint; but if the colonist should refuse to do so, he may apply to the Syndic to make the proper claim. When the complaint is directed against another colonist belonging to the same master, the latter, or his delegate, shall decide the question in the manner that he thinks just. Either of the parties may appeal against this decision to the protector or his delegate, who shall take cognizance of the matter in the form prescribed in Article XVIII.

LIII. The importers of colonists, and the masters who may fall to comply with any of the obligations or formalities prescribed in this and the previous chapter, shall incur a fine proportionate to the gravity of the case, which shall be imposed summarily, without prejudice to the penal or civil responsibility to which they may be subject, and which the authority will have to exact from them in the proper form.

which the authority will have to exact from them in the proper form.

LIV. The colonists shall not be entitled to claim at any time, from their master, the government, or the importers, the payment of the expenses of their return yoyage to their country, unless their contracts contain an express stipulation to that effect.

LV. On the expiration of the contract, the colonists shall have all the rights that belong to them respectively, according to their origin as Spaniards or foreigners, without any difference between them and those who may never have been colonists.

CHAPTER III.

Of the Disciplinary Jurisdiction of the Masters.

LVI. The masters shall exercise a disciplinary jurisdiction over their colonists, and in virtue of it shall be able to impose the following punishments:

1. Confinement from one te ten days.

2. Stoppage of wages during that time. The first of these punishments may be inflicted without the second, but the latter may never be applied without the former.

of these punishments may be inflicted without the second, but the latter may never be applied without the former.

LVII. Whenever the master inflicts on his colonist either of the penalties mentioned in the previous Article, he shall give information within the next twenty-four hours to the proper protector, in order that he may investigate, if he think proper, the offence committed, and may after the sentence of the master if it should appear unjust.

Any master omitting to give the said notice within the time specified shall be subject to a summary fine of \$25 to \$100.

LVIII. The colonists may in every case complain to the protector of any wrong done them by their masters, whether by punishing them without cause, by imposing penalties which are not within their competence, or by otherwise improperly treating them.

them.

If the protector find the master guilty of any offence, he shall denounce him to the proper tribunal; and it the offence be only a slight one, he shall himself impose a fine not exceeding \$100.

LIX. In order to ensure the fulfilment of the regulations of the two preceding Articles, the protectors shall have the power to visit, when they think proper, the estates or establishments where there are colonists, either personally or by means of other functionaries, and to examine the colonists as they may think fit.

max think fit.

LX. The delegates of the master in the estate or establishment in which the colonists work, may also exercise disciplinary jurisdiction, but under the pecuniary responsibility of the same master, and without prejudice to the penal responsibility which they may incur.

may incur.

LXI. The following offences shall be punished as bove (disciplinarmente):—

1. Insubordinatton to the master, to the superin-

tendente, or to any other delegate of the master.

2. Refusal to work, or want of punctuality in any particular piece of work.

3. Injuries which do not oblige the party injured

o suspend work. Infraction of the rules of discipline established

by the master.
7. Offences against good manners, not constituting crimes, which cannot be prosecuted unless at this stance of the parties, or which constituting a crime of this kind, are not prosecuted by the party

offended.

8. Any other act done with malice, and from which injury or damage accrues to a third person, and which nevertheless does not constitute an offence subject to legal prosecution.

LXII. The disciplinary jurisdiction shall be exercised by the masters without prejudice to the right of injured parties to require that the offending colonist shall be punished by the tribunals if there be just cause.

just cause.

LXIII. The ordinary tribunals, to which the colonists shall present themselves, represented in the form prescribed in Article XXVI, shall have cognizance in all cases of penal or civil responsibility in which the masters are not competent judges according to the regulation in Article LXI.

LXIV. When the punishments pointed out in Article LVI are not sufficient to prevent the colonist from repeating the same or committing other offen-

from repeating the same or committing other offences, the master shall apply to the protector, who, if the act constitutes an offence according to the laws, shall decide that the guilty colonist may be punished by them; and if not, by additional disciplinary punishment.

cd by them; and if not, by additional disciplinary punishment.

LXV. If the colonists of an estate should mutiny, or resist by force and collectively the orders of their superiors, the master may also employ force to bring them to order; and he shall give immediate information to the delegated protector, in order that if the gravity of the case require it, he may take measures for having the guilty colonists punished at once in the presence of the other colonists.

LXVI. The regulations hitherto in force relative to Chinese and Yucatan colonists are hereby abregated.

General Regulation.

The Governor Captain-General of the island shift take the proper measures inorder that every year, by the month of January, lists of the colonists may be made out or corrected; the lists shall state their names, sex, ages, country, whether they are married or single, their trades, the period of their couract, and the mame, profession and domicile of their respective masters.

The se., authority shall send to the Presidency of the Council of Ministers an annual abstract of the said registers, stating the number of colonists of the said registers, stating the number of colonists of the said registers, stating the number of colonists of the said registers, stating the number of colonists of the said registers, stating the number of colonists of the said registers, stating the number of colonists of the sound of their contract, industrial or domestic; by the districts in which they reside; and by the time of duration of their contracts, according as they may be under five years, from five to tea years, from ten to fifteen years, and from fifteen years upwards.

Given at the Palace, March 22, 1854.

years, from ten to fifteen years, and from fifteen years upwards.

Given at the Palace, March 22, 1854.

Signed by the Royal Hand.

The President of the Council of Ministers, (Signed)

Luis Jose Sarrorius.

Taking into consideration the reasons stated to me by my President of the Council of Ministers, and in conformity with the opinion of the same Council, I have determined to approve the following regulations, which are to be observed in the island of Ouba for preparing lists and a civil register of slaves:

CHAPTER I.

Respecting Lists and First inscription of Slaves in the Civil Register.

ART. I. On such days as the Captain-General may fix, the municipal officers of the towns (pedances), accompanied by such functionaries or private individuals as the respective Governors or Lieutenant-Governors may appoint, will proceed to the preparation of the lists of slaves throughout the island.

Il. These lists shall state, with due clearness and exactitude, the names of the slaves, their sex, the action to which they belong, and their age, if it be known, and if not known, what their age may appear to be; also the names of their parents, if known, their social position, their occupation, their serional description, and lastly, the name, profession, and the owners.

III. The municipal officers and the delegates ascompanying them will sign all the lists of their district, and the owners of slaves will sign their own lists, both being responsible to the Governor or te the tribunals, according to the gravity of the case, for any mistake or any inexactitude showing a fraudulent intention.

IV. Any owner of slaves who shall cause to be entered in the lists a greater number of slaves than he really possesses, shall pays fine of from \$200 to \$600 for every additional slave so entered.

V. The same penalty shall be inflicted on the owner who shall enter any of his slaves with a false description, showing a fraudulent intention.

VI. The "pedance" and delegates who may be convicted of connivance in any of the frauds alluded to in the two preceding Articles, shall be tried and punished as forgers of public documents.

VII. The "pedance" and delegates who may be convicted of connivance in any of the term fixed for the formation of the lists, the "pedances" will send them in our preceding and the slaves in our preceding to the fixed for the formation of the lists, the condition of the

slaves, in consequence of the original ones having been lost; and the keepers of registers will also issue such tickets by their own authority whenever they may make any alteration in the original inscription, or when they enter for the first time in their register any slaves proceeding from other districts and registered in the same according to the rides to be laid down in the next chapter.

The issuing of the ticket shall always be entered in the register book, and if it should be issued in duplicate, the reason for so doing will be stated.

XV. The registers being once closed, all slaves who may not have been inscribed therein by their owners shall be considered as manumitted and free, by virtue of the law, with the exception of those cases in which the proper authorities may direct the slaves to be registered, according to the regulations hereinafter laid down.

XVI. After the expiration of the term in which the owners of slaves are to recleve from the "pednaces" the register tickets, the slaves will not be allowed to pass freely in the country or on the public roads without carrying with them one of the copies of their ticket.

Any slave who may be found without this document will be treated as a deserter; and after his arrest by the authorities notice will be sent to the owner that he may present the register ticket.

If within thirty days after that in which the owner that he may present the register ticket.

If within thirty days after that in which the owner that he may present the register ticket.

If within thirty days after that in which the owner has received the aforesaid notice the register, ticket shall not be presented, the slave shall be declared free, and the proper authority will deliver to him his letter of freedom.

XVII. After the register has been closed, only the following slaves will be inscribed in it for the first time:—

1. Slaves born subsequently to the closing of the

1. Slaves born subsequently to the closing of the register.

2. Those who may be declared slaves by sentence of the courts of justice, and after due proof of their legitimate origin.

3. Those whom the Captain-General or his delegates the Governors, or Lieutenant-Governors, may direct to be entered as legitimately imported into the island, or as not having been in the possession of their owners during the period fixed for their inscription.

XVIII. The newly born slaves shall be entered by their owners within one month, to be re koned from the day of their birth, in the form prescribed in

Article II.

XIX. The men of color whose state of freedom or of slavery may be in question before the courts of justice, shall be entered with a note of this circumstance; but the sentence whereby they are declared slaves will have no force whatsoever, so long as it has not been registered in the form hereinafter described.

scribed.

XX. Any person legitimately importing any slave into the island of Cuba, shall present him, within eight days after his arrival, to the superior political authority of the port in which he has been landed in order that that functionary, after having daly ascertained the legitimacy of his origin, may direct him to be registered in the town where he is to reside.

side.

If the slaves so imported should be obliged to continue their journey, in company with their owners, within the eight days, the owners shall cause them to be included in their own passports until they arrive at the place where they are to fix their residence.

to be included in their own passports until they arrive at the, place where they are to fix their residence.

If the order for entering a slave is to be carried into effect out of the district of the authority by whom it has been given, such order will only serve as a pass, in order that the slave may present himself to the Governor or the Licutenant-Governor of the district where he is to reside, and that the owner may apply to the aforesaid functionaries to have the slave registered, after the necessary inquiries.

In no case shall the pass in question be valid beyord thirty days from its date.

XXI. The Governors of penal establishments will cause the slaves who may be under their custody to be registered, stating, in the register of each slave, the owner to whom he belongs, the cause of his imprisonment, the period of his sentence, and how much of it is unexpired.

XXII. Those slaves who may have run away during the time fixed for the registration, and who after they have been presented by their owners to the Governor or the Licutenant Governor of the district, and after these functionaries shall have duly ascertained the fact of the slave having run away.

Vearly Revision of Lists, and Instription of the Titles Restative to Slaves.

XXIII. Every year in the month of January, and